

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SP-02 PM-05 OMB-01 TRSE-00
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P R 101635Z JAN 78
FM AMEMBASSY ATHENS
TO CINCUSNAVEUR PRIORITY
CINCUSAFE PRIORITY
INFO CINCEUR
CINCUSAREUR
7206 ABG HELLENIKON
NAVDET SOUDA BAY
SECSTATE WASHDC 4071
SECDEF WASHDC

C O N F I D E N T I A L ATHENS 0236

E.O. 11652: GDS
TAGS: MARR, PINT, US, GR
SUBJECT: PAYMENT OF EMPLOYEES TO BE SEPARATED AT SOUDA BAY

REF: A) CINCUSNAVEUR 061652Z JAN 78 (NOTAL),
B) CINCUSNAVEUR 231514Z DEC 77 (NOTAL)

1. THE EMBASSY'S POSITION, BASED ON LEGAL ANALYSIS AND OUR UNDERSTANDING OF THE GREEK LABOR AND POLITICAL SITUATION, IS THAT ANY GREEK EMPLOYEE SEPARATED AT SOUDA BAY BEFORE A COUNCIL OF STATE RULING ON THE HANIA ARBITRATION COURT'S 63 PERCENT AWARD MUST BE PAID IN FULL AT THE 63 PERCENT LEVEL AS OF THE DATE OF HIS SEPARATION. THIS IS BASED ON THE COUNCIL'S RULING OF JUNE 16, 1977 THAT PAYMENT AT THE 63 PERCENT LEVEL COULD NOT BE DEFERRED PENDING THE COUNCIL'S RULING ON THE VALIDITY OF THE AWARD ITSELF. THE AWARD IS LEGAL UNTIL SUCH TIME AS IT IS CANCELLED BY A HIGHER COURT OR BY THE COUNCIL ITSELF. THE COUNCIL'S RULING OF JUNE 16 DENYING DEFERRED PAYMENT ALSO HAS
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THE FULL FORCE OF LAW.

2. LABOR LEADERS IN HANIA HAVE COMPLAINED PUBLICLY THAT IN FAILING TO IMPLEMENT THE HANIA ARBITRATION COURT DECISION, THE U.S. FORCES ARE FLAUNTING GREEK LAW. THE HANIA LABOR CENTER HAS MADE A SIMILAR COMPLAINT TO THE PRIME MINISTER DIRECTLY AND WE WERE QUERIED AS A RESULT BY THE HOA CONCERNING OUR

INTENTIONS. LEADERS OF THE GENERAL CONFEDERATION OF GREEK LABOR HAVE ALSO CRITICIZED OUR FAILURE TO COMPLY WITH THE JUNE 16 COUNCIL DECISION. WE BELIEVE THAT SO FAR WE HAVE BEEN SPARED MAJOR PUBLIC CRITICISM ON THIS ISSUE BECAUSE OF THE REGULAR PARTIAL PAYMENTS THAT ARE BEING MADE WHICH GIVE THE APPEARANCE OF MOVING TOWARD FULL COMPLIANCE. HOWEVER, ONCE AN EMPLOYEE IS SEPARATED IT WILL NOT BE POSSIBLE TO CONTINUE TO MAKE PARTIAL PAYMENTS TO HIM TOWARD THE FULL AMOUNT DUE UNDER THE ARBITRATION COURT AWARD. PROMISING FUTURE FULL PAYMENT CONDITIONAL ON THE COUNCIL'S SUSTAINING THE HANIA COURT'S AWARD WOULD BE AN EXPLICIT ADMISSION THAT THE U.S. IS NOT FULLY AND PROMPTLY COMPLYING WITH THE COUNCIL'S JUNE 16 RULING.

3. RECENT LABOR DISPUTES AT IRAKLION AND SOUDA BAY HAVE DEMONSTRATED THAT OPPOSITION LEADERS, CRITICAL OF THE U.S.-GREEK DEFENSE RELATIONSHIP, ARE QUICK TO SEIZE ON ANY PRETEXT TO ATTACK OUR MILITARY PRESENCE HERE AND TO EMBARRASS THE GOG. IT IS THEREFORE IMPORTANT THAT WE AVOID PROVIDING THEM WITH THE BASIS FOR ACCUSING U.S. FORCES HERE OF ACTING IN DEFIANCE OF GREEK LAW. SEPARATION OF THE SOUDA BAY EMPLOYEES WITHOUT COMPLYING WITH THE JUNE 16 COUNCIL OF STATE DECISION WOULD OFFER THEM THIS OPPORTUNITY, AND FOR THIS REASON THE EMBASSY CANNOT CONCUR IN THE COURSE OF ACTION PROPOSED BY USNAVEUR.
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